



City of Seattle

Gregory J. Nickels, Mayor

Department of Design, Construction and Land Use

D. M. Sugimura, Acting Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR
OF THE DEPARTMENT OF DESIGN, CONSTRUCTION AND LAND USE**

Application Number: 2208293

Applicant Name: Tara Nelson

Address of Proposal: 152 Lee Street

SUMMARY OF PROPOSED ACTION

Master Use Permit to subdivide one parcel of land into two (2) unit lots. Proposed lot areas are: Parcel A) 2,305.5 square feet; and B) 2,014.2 square feet. Demolition of one existing single-family residence and the construction of a townhouse structure were reviewed under a related construction permit (Project #2203019/Permit #731069). One garage parking space is provided on the ground floor of each unit for a total of two on-site parking spaces; a driveway easement provides vehicular access to the garages.

The following approval is required:

Short Subdivision - To divide one parcel of land into two unit lots.
(Seattle Municipal Code Chapter 23.24)

SEPA DETERMINATION:

☒ Exempt ☐ DNS ☐ MDNS ☐ EIS

☐ DNS with conditions

☐ DNS involving non-exempt grading, or demolition, or another agency with jurisdiction.

BACKGROUND DATA

Site Description

The approximately 4,320 square foot site is located in a Multi-Family Residential Lowrise Duplex/Triplex zone (LDT) at the northeast corner of Lee Street and Warren Avenue North. The proposal site has approximately 51 lineal feet of frontage along Lee Street and approximately 85 lineal feet of frontage on Warren Avenue North. The site is generally flat but slopes slightly downward from north to south. One single-family structure occupying the north half of the site was recently demolished under Project #2203019/Permit #731069. Vegetation on the site is typical of single-family development and consists primarily of grasses, shrubs, and two trees. There are no mapped or observed City of Seattle designated Environmentally Critical Areas (ECAs) on the site.

Area Development

Properties to the north, east and west of the site are zoned LDT; property to the south (across Lee Street) is zoned Residential, Single-family 5,000 (SF5000). Development in the vicinity consists primarily of single-family and multi residential structures.

Proposal

The applicant proposes to subdivide one parcel of land ("parent lot") into two unit lots. Proposed lot areas are: Parcel A) 2,305.5 square feet; and B) 2,014.2 square feet. A permit has been issued for the construction of two attached townhouse residences on the proposal site (Project #2203019/Permit #731069). This underlying project meets applicable code standards and corresponds with the unit lot subdivision proposal.

Public Comments

The public comment period for the proposed project ended on December 25, 2002. Two comment letters were received. One expressed support for the proposed development and the other expressed concern that the water availability for the neighborhood is limited.

ANALYSIS - SHORT SUBDIVISION

Pursuant to SMC 23.24.040, no short subdivision shall be approved unless all of the following facts and conditions are found to exist. The findings which follow are based upon information provided by the applicant; review of access, drainage and zoning within the Department of Design, Construction and Land Use (DCLU); review from Seattle Public Utilities, Seattle Fire Department and Seattle City Light; and review by the Land Use Planner.

1. *Conformance to the applicable Land Use Code provisions;*

The existing parent lot subject to this subdivision conforms to all development standards of the LDT zone. The configuration of the parent lot provides adequate buildable areas to meet applicable density, setbacks, lot coverage requirements and other land use code development standards. The unit lots proposed by this subdivision conform to the standards for unit lot subdivision (SMC 23.24.045) and other code provisions applicable to unit lot subdivisions. New development must conform to code requirements at the time of application.

Development standards for the zone are intended to ensure that new and converted structures are not only compatible with existing development, but are also reflective of the character of that development in terms of scale, open space, setbacks, siting, unit orientation, and provision of ground level open space (SMC 23.12.060).

2. *Adequacy of access for vehicles, utilities and fire protection as provided in Section 2.53.005;*

Each of the unit lots will have adequate access for vehicles, utilities and fire protection through approximately 51 feet of frontage on Lee Street; 85 feet of frontage along Warren Avenue North; and a 23-foot wide driveway easement accessed from Warren Avenue North. The Seattle Fire Department has reviewed and approved this proposal for adequacy of access for emergency vehicles. Seattle City Light provides electrical service to the subject property and has reviewed the unit lot subdivision application. In order to provide adequate service to each of the unit lots, City Light requires that an easement be granted across the subject property. The easement as described in the memorandum dated December 17, 2002, and in Exhibit A to City of Seattle, Short Subdivision No. 2208293, P.M. #250430-2-024 should be included on the final plat prior to recording.

3. *Adequacy of drainage, water supply, and sanitary sewage disposal;*

The area is served with stormdrain facilities, domestic water, and sanitary sewer facilities provided by the City of Seattle. Sanitary sewer service will be provided to the site via an 8-inch public combined sewer (PS) located in Warren Avenue North. A utility easement benefiting Unit Lot B across Unit Lot A should be included in the legal description for the unit lot subdivision.

Plan review requirements for drainage were reviewed under the building permit application (Project #2203019/Permit #731069).

Seattle Public Utilities reviewed the unit lot subdivision application and approved a Water Availability Certificate, No. 2002-1270 on December 6, 2002. All conditions on the certificate must be met prior to receiving water service.

4. *Whether the public use and interests are served by permitting the proposed division of land;*

The proposed unit subdivision is consistent with relevant LDT zone land use policies and meets the minimum provisions of the Seattle Land Use Code. The proposal meets all applicable criteria for approval of a short plat as discussed in this analysis and decision. The public use and interests are served by permitting the proposed division of land.

5. *Conformance to the applicable provisions of SMC Section 25.09.240, short subdivision and subdivisions in environmentally critical areas;*

There are no mapped or observed City of Seattle Environmentally Critical Areas on the proposal site.

6. *Is designed to maximize the retention of existing trees;*

Pursuant to SMC 23.45.015.C, Tree Requirements: *"Trees shall be required when new low-rise multi-family dwelling units are constructed. The minimum caliper of inches of tree required per lot may be met through using either the tree preservation or tree planting option ... or through a combination of preservation or planting."* For a lot over 3,000 square feet using the planting option, at least two (2) caliper inches of existing tree per 1,000 square feet of lot must be planted. Compliance with tree requirements was required before approval of the underlying construction permit (Project #2203019/Permit #731069).

7. *Conformance to the provisions of Section 23.24.045, Unit lot subdivisions, when the short subdivision is for the purpose of creating separate lots of record for the construction and/or transfer of title of townhouses, cottage housing, clustered housing, or single-family housing.*

Because the proposed short plat subdivision is proposed for the purpose of creating separate lots of record for the construction and/or transfer of title of two townhouse residences, consideration of Section 23.24.045 is necessary. The provisions of SMC Section 23.24.045 are as follows:

- A. *The provisions of this section apply exclusively to the unit subdivision of townhouses, cottage housing, residential clustered housing, or single-family residences in Lowrise zones."*

The subject proposal would establish separate lots for two townhouse residences in a Lowrise, Duplex/Triplex (LDT) zone, thus falling within the purview of SMC Section 23.24.045.

- B. *Sites developed or proposed to be developed with dwelling units listed in subsection A above may be subdivided into individual unit lots. The development*

as a whole shall meet development standards applicable at the time the permit application is vested. As a result of subdivision, development on individual unit lots may be non-conforming as to some or all of the development standards based on analysis of the individual unit lot, except that any private, usable open space for each dwelling unit shall be provided on the same lot as the dwelling unit it serves.”

The lot lines established by this short plat are dictated by the location of the proposed units and associated open space areas. Required open space areas for each dwelling unit are provided on the respective unit lot. Approval of the development pursuant to Project #2203019/Permit #731069 indicates that the development of the parent lots satisfies the applicable development standards.

- C. Subsequent platting actions, additions or modifications to the structure(s) may not create or increase any non-conformity of the parent lot.”

In order to assure proper control of future platting actions, additions, or modifications to structure(s) on the subject site, a condition will be required on the face of the plat as outlined under Criterion F below.

- D. *Access easements and joint use and maintenance agreements shall be executed for use of common garage or parking areas, common open space (such as common courtyard space for cottage housing), and other similar features, as recorded with the Director of the King County Department of Records and Elections.”*

Joint use and maintenance easements/agreements required for Parcels A and B with respect to the proposed common areas for access and utilities (including pedestrian access) will be required.

- E. Within the parent lot, required parking for a dwelling unit may be provided on a different unit lot than the lot with the dwelling unit, as long as the right to use that parking is formalized by an easement on the plat, as recorded with the Director of the King County Department of Records and Elections.”

Parking would be provided on-site in individual garages for each of the two townhouse residences on proposed Parcels A and B. An ingress, egress, and utilities easement is proposed from the site frontage on Warren Avenue North to the parking area for both units.

- F. *The fact that the unit lot is not a separate buildable lot, and that additional development of the individual unit lots may be limited as a result of the application of development standards to the parent lot shall be noted on the plat, as recorded with the Director of the King County Department of Records and Elections.”*

Review of the proposal indicates that the proposed short subdivision conforms to applicable standards of SMC 23.24.045 for development in the Lowrise, Duplex/Triplex zone. To assure that future owners have constructive notice that additional development may be limited, the following statement shall be required to be included as a note on the final short subdivision: *"The unit lots shown on this site are not separate buildable lots. Additional development on these unit lots in this subdivision may be limited as a result of the application of development standards to their parent lot pursuant to applicable provisions of the Seattle Land Use Code, Chapter 23 of the Seattle Municipal Code."*

Summary

The lots to be created by this unit lot subdivision would meet all minimum standards for unit lot subdivisions as set forth in the Land Use Code. As conditioned, this short subdivision could be provided with adequate vehicular access (including emergency vehicles) and public and private utilities. Adequate provisions for drainage control, water supply, and sanitary sewage disposal could be provided for each lot, and service is assured subject to standard conditions governing utility extensions.

DECISION - SHORT SUBDIVISION

The proposed Short Subdivision is **CONDITIONALLY GRANTED**.

CONDITIONS - SHORT SUBDIVISION

Conditions of Approval Prior to Recording

The owner(s) and/or responsible party(s) shall:

1. Provide final recording forms and fees. Have the final recording documents prepared by or under the supervision of a Washington State licensed land surveyor. Each lot, parcel or tract created by the short subdivision shall be surveyed in the field and all property corners set in conformance with appropriate state statute. The property corners set shall be identified on the plat and encroachments such as side yard easements, fences or structures shall be shown, as well as all structures and distances from them to the proposed property lines. All existing structures, principal and accessory, shall be shown on the face of the plat and their distances to the proposed property lines dimensioned. A licensed surveyor shall stamp the short plat drawings.
2. Add the conditions of approval to the face of the plat.

3. Add the following wording to the face of the plat: *"The unit lots shown on this site are not separate buildable lots. Additional development on any individual unit lot in this subdivision may be limited as a result of the application of development standards to the parent lot pursuant to applicable provisions of the Seattle Land Use Code, Chapter 23 of the Seattle Municipal Code."*
4. Outline on the face of the short plat: the legal descriptions for the existing and proposed lots; the location of the existing utility lines on the face of the plat; all ingress and egress, utilities, pedestrian, and common area easements. The sanitary sewer easement benefiting Unit Lot B shall be shown on the final recording documents. The Seattle City Light easement in its entirety (typically referred to as "Easement A") shall also be shown on the final recording documents.
5. Add wording to the Joint Use/Maintenance Agreement on the face of the plat to address joint use and responsibility for maintenance and repair of shared walls on property lines.

Conditions of Approval Prior to the Individual Transfer or Sale of Lots

The owner(s) and/or responsible party(s) shall:

6. Comply with the requirements outlined in the Water Availability Certificate (WAC # 2002-1270).

Signature: (signature on file) Date: February 6, 2003
Lisa Rutzick, Land Use Planner
Department of Design, Construction and Land Use
Land Use Services

LCR:vw